

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Chief Counsel
Washington, DC 20529-2120



U.S. Citizenship
and Immigration
Services

FILED
CLERK'S OFFICE
DISTRICT COURT E.D.N.Y.

NOV 25 2009

BROOKLYN OFFICE

November 10, 2009

RECEIVED
IN CHAMBERS OF
HON. STERLING JOHNSON, JR.

NOV 12 2009

TIME A.M. _____
P.M. _____

Honorable Sterling Johnson, Jr.
United States District Court
225 Cadman Plaza East
Brooklyn, NY 11201

Dear Judge Johnson:

Re: United States v. Thomas Archer and Rukhsana Rafique, 08 CR 288 (SJ)

United States Citizenship and Immigration Services ("USCIS"), through its counsel, respectfully notifies the Court that the files enumerated in your Honor's order, dated November 10, 2009, will be copied and certified as soon as possible. I have asked the case agent who has custody of the files to immediately begin copying the files and to present them for certification when the copying is complete. Since the agent should have all 65 files, I hope that he will be able to make three complete sets sometime Thursday, since the facility is closed in observance of Veteran's Day. Thereafter, he will take them to the file room for certification. I anticipate that the certification process will be completed late Thursday or early Friday.

Respectfully

Jason Raphael
Associate Regional Counsel
U.S. Department of Homeland Security
Citizenship and Immigration Services
26 Federal Plaza, Room 11-100
New York, NY 10278
(212) 264-9209

Cc: Andrew Goldsmith, AUSA
Mildred Whalen, Esq.
Karina Alomar, Esq.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
-----X
UNITED STATES OF AMERICA,

08 CR 288 (SJ)

v.

ORDER

THOMAS ARCHER and
RUKHSANA RAFIQUE,

Defendants.
-----X

A P P E A R A N C E S

UNITED STATES ATTORNEY
Benton J. Campbell
271 Cadman Plaza East
Brooklyn, NY 11201
By: Andrew Goldsmith

ALOMAR & ASSOCIATES, P.C.
60-89 Myrtle Avenue
Ridgewood, NY 11385
By: Karina Alomar
Attorney for Thomas Archer

FEDERAL DEFENDERS OF NEW YORK, INC.
One Pierrepont Plaza, 16th Floor
Brooklyn, NY 11201
By: Mildred Whalen
Attorney for Rukhsana Rafique

JOHNSON, Senior District Judge:

Jury selection and trial in the above referenced action are set to begin on November 16, 2009. Defendants have numerous times submitted certain discovery requests to the government which, to date, have not been fulfilled. Defendants now move to hold the Department of Homeland Security ("DHS") in contempt of court, and to adjourn the trial. Defendants' motions are DENIED.

However, the Court hereby orders DHS to immediately produce to the defense team the complete immigration files of the individuals identified in Defendants' motion of November 9, 2009. Specifically, DHS is ordered to immediately produce the files of the following individuals:

1. Ahmad, Manzoor (xx-xxx-357)
2. Ali, Qamar (xx-xxx-812)
3. Allyshaw, Ashmid (xx-xxx-215)
4. Amjad, Mohammad (xx-xxx-043)
5. Anjum, Naveed (xx-xxx-504)
6. Asghar, Naseem (xx-xxx-325)
7. Ayub, Muhammad a.k.a. Muhinda K. Singh (xx-xxx-058)
8. Bandari, Gurucharan (xx-xxx-759)
9. Butt, Jaria M.
10. Dass, Krishan a.k.a. Autar Singh (xx-xxx-185, xx-xxx-456)
11. Gill, Tariq (xx-xxx-942)
12. Ilyas, Allia (xx-xxx-799)
13. Josan, Pritam (xx-xxx-297)
14. Kaur, Harpreet
15. Kaur, Manjit (xx-xxx-246)
16. Kaur, Lakhwinder a.k.a. Manjit Singh
17. Kim, Min Seok (xx-xxx-349)
18. Kumar, Yogender (xx-xxx-888)
19. Lal, Parmajit (xx-xxx-953)
20. Malik, Hassa (xx-xxx-059)
21. Mir, Wiqar (xx-xxx-338)
22. Mumtaz, Mohammad (xx-xxx-093)
23. Narinjan, Multani (xx-xxx-476)
24. Pal, Dharam (xx-xxx-705)
25. Pal, Joginder (xx-xxx-830)
26. Pal, Sat (xx-xxx-768)
27. Quder, Abdul (xx-xxx-985)

28. Rasul, Eidul (xx-xxx-123)
29. Rawal, Lalluram Somaji
30. Razzaq, Mohammad (xx-xxx-251)
31. Saleem, Muhammad (xx-xxx-079)
32. Seecharran, Clarice
33. Shaheen, Afzal (xx-xxx-396)
34. Shahid, Muhammad (xx-xxx-631)
35. Sharma, Suman (xx-xxx-791)
36. Singh, Amrik (xx-xxx-121)
37. Singh, Bahadar (xx-xxx-277)
38. Singh, Bahadur (xx-xxx-142)
39. Singh, Baldev (xx-xxx-355)
40. Singh, Baljit (xx-xxx-486)
41. Singh, Balkar (xx-xxx-110, xx-xxx-848, xx-xxx-848)
42. Singh, Balwant (xx-xxx-924)
43. Singh, Chhot
44. Singh, Daljit (xx-xxx-938, xx-xxx-476)
45. Singh, Gurmit (xx-xxx-323)
46. Singh, Harjinder (xx-xxx-404)
47. Singh, Jarnail (xx-xxx-435)
48. Singh, Jatinder
49. Singh, Joginder
50. Singh, Jujhar (xx-xxx-137)
51. Singh, Kulwant (xx-xxx-743)
52. Singh, Lakhwinder (xx-xxx-999)
53. Singh, Manjit (xx-xxx-139)
54. Singh, Manjit (xx-xxx-650, xx-xxx-686)
55. Singh, Mastan (xx-xxx-703)
56. Singh, Santok (xx-xxx-869)
57. Singh, Surat (xx-xxx-441)
58. Singh, Surinder (xx-xxx-303)
59. Singh, Swaran (xx-xxx-943)
60. Singh, Tarlok (xx-xxx-859)
61. Talwandi, Baljit (xx-xxx-929)
62. Thaker, Bihari (xx-xxx-013)
63. Viridi, Mahinder (xx-xxx-440)
64. Wadhwa, Umesh (xx-xxx-627)
65. Waheed, Shaikh, A.

SO ORDERED.

Dated: November 10, 2009
Brooklyn, New York

/s/
Sterling Johnson, Jr, U.S.D.J.